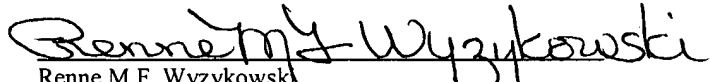




PATENT  
RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2667

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 14, 2004.*

  
Renne M.F. Wyzykowski

Appl No. : 09/440,148 Confirmation No. 2594  
Applicant : Yiwei Thomas Hou, et al.  
Filed : November 15, 1999  
Title : SERVER-BASED NETWORK PERFORMANCE METRICS GENERATION  
SYSTEM AND METHOD

TC/A.U. : 2667  
Examiner : Thai D. Hoang

Docket No. : 35400/DMC/F179

Customer No. : 23363

**RECEIVED**

JUN 2 1 2004

Technology Center 2600

**AMENDMENT AFTER FINAL ACTION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
June 14, 2004

Commissioner:

In response to the Office action of April 16, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 16 of this paper.



Corres. and Mail  
**BOX AF**

AF  
2657

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
AMENDMENT TRANSMITTAL LETTER**

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 14, 2004.*

*Renne M.F. Wyzykowski*  
Renne M.F. Wyzykowski

Applicant : Yiwei Thomas Hou, et al. Confirmation No. 2594  
Application No. : 09/440,148  
Filed : November 15, 1999  
Title : SERVER-BASED NETWORK PERFORMANCE METRICS GENERATION  
SYSTEM AND METHOD  
Grp./Div. : 2667  
Examiner : Thai D. Hoang  
Customer No. : 23363  
Docket No. : 35400/DMC/F179

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUN 21 2004

Post Office Box 7068  
Pasadena, CA 91109-7068  
June 14, 2004

Technology Center 2600

Commissioner:

Enclosed is an amendment to the above-identified application.

CLAIMS AS AMENDED						
	Claims Remaining After Amendment	Highest Number Paid For	Number Extra Claims	Small Entity Rate	Large Entity Rate	FEE
Total Claims Fee	17	45	0	x \$9.00	0 x \$18.00	-0-
Independent Claims	10	** 15	0	x \$43.00	0 x \$86.00	-0-
Multiple Dependent Claims ***				\$145.00	\$290.00	-0-
TOTAL FILING FEE						-0-
NO ADDITIONAL FEE REQUIRED ****	IF NO FEE REQUIRED, INSERT "0"					-0-
LIST INDEPENDENT CLAIMS: 9, 12, 23, 25, 27, 33, 37, 43 44, 45						
* IF HIGHEST NUMBER PREVIOUSLY PAID FOR IS 20 OR LESS, WRITE "20" IN COLUMN 3 ** IF HIGHEST NUMBER PREVIOUSLY PAID FOR IS 3 OR LESS, WRITE "3" IN COLUMN 3 *** PAY THIS FEE ONLY WHEN MULTIPLE DEPENDENT CLAIMS ARE ADDED FOR THE FIRST TIME **** IF NO FEE REQUIRED, ADDRESS ENVELOPE TO "BOX NON-FEE AMENDMENTS"						

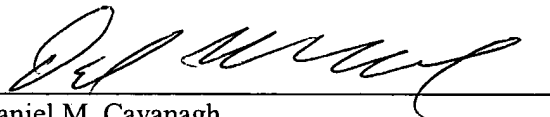
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attached is our check for \$ to pay the fees calculated above.  
A Petition for Extension of Time and the required fee are enclosed.  
Other enclosures:

**Amendment Transmittal Letter**  
**Application No. 09/440,148**

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by or to give effect to this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

Daniel M. Cavanagh  
Reg. No. 41,661  
626/795-9900

DMC/rmw

RMW IRV1077939.1-\* -06/14/04 11:32 AM